



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 6, 1995

CERTIFIED RETURN RECEIPT
P 074 978 959

William and Preston Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087

Dear Messrs Bown:

Re: Notice of Non-Compliance, Dove Creek Quarry, M/003/016, Box Elder County, Utah

This letter is sent to notify you, that your mining operation, or portions thereof, is not in compliance with certain sections of the Utah Mined Land Reclamation Act 40-8-1 et seq and the Minerals Reclamation Program Rules R647-1 through R647-5.

Finding of Non-Compliance

Specifically, you have failed to comply with **Title 40-8-12.2** (*Objectives - Failure to minimize or prevent on-site and off-site environmental degradation*) of the Utah Mined Land Reclamation Act (the Act) and Minerals Rule **R647-4-107.4** (*Operation Practices: "Deleterious Materials - All deleterious or potentially deleterious material shall be safely removed from the site or kept in an isolated condition such that adverse environmental effects are eliminated or controlled."*)

Pursuant to Utah Code Annotated 40-8-1 et. seq., an inspection was conducted of the Dove Creek Quarry mine on September 6, 1995, by Lynn Kunzler, of our minerals staff (site inspection memo enclosed). During inspection of the site, Mr. Kunzler observed that used oil and other potentially hazardous waste materials had been inappropriately disposed of.

The Division and the U.S. Forest Service have both advised you repeatedly of our concerns regarding the issue of uncontrolled oil spillage on your mine property. Because of these repeated warnings, and your failure to perform corrective measures, you could be found in violation of section 40-8-9 of the Act, which addresses willful and knowing violation of the Act.

Location of Non-Compliance

The specific location of the non-compliance is in portions of Section 14, Township 13 North, Range 16 West, SLBM, Box Elder County, Utah.

Mitigation Requirements

You must immediately clean up the oil spills and dispose of all contaminated materials in an approved disposal area. Used barrels must be removed from the site and properly disposed of or

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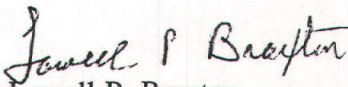
recycled. You must notify the Division upon completion of the cleanup and disposal activities. These mitigation requirements must be completed no later than November 20, 1995.

Consequences of Continued Non-Compliance

Should you fail to comply with these requirements within the time frame as set forth in this Non-Compliance Notice, we will be forced to issue a Notice of Agency Action. A formal Notice of Agency Action will require that you appear at a formal hearing before the Board of Oil, Gas and Mining (Board). The Board, after notice and public hearing, may enter an Order finding you in direct violation of the Act and its interpretive rules. Appropriate enforcement actions, as provided for under the Act and Utah law, may be levied against you. A finding of willful and knowing violation (section 40-8-9(1) of the Act) could result in civil penalties being assessed not to exceed \$10,000 a day for each violation.

If you have questions regarding the requirements of this notice, please contact me, Wayne Hedberg or Lynn Kunzler of the Minerals Program, as soon as possible to resolve your concerns.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

jb
Enclosure Memo of 9/6/95 site inspection
cc: Tom Mitchell, Assistant Attorney General
Gordon Struthers, USFS Burley RD
Lowell Braxton, DOGM
Lynn Kunzler, DOGM
M003016.ncl



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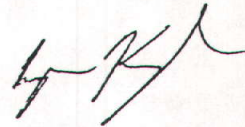
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September 25, 1995

TO: Minerals File

FROM: Lynn Kunzler, Reclamation Specialist 

RE: Site Inspection, Utah Building Stone, Dove Creek Quarry, S/003/016, Box Elder County, Utah

Date of Inspection: September 6, 1995
Time of Inspection: 12.00 p.m.
Conditions: Sunny, warm
Participants: Gordon Struthers, USFS and Lynn Kunzler, DOGM

Purpose of Inspection: Check current site conditions and compliance with Forest Service Directives.

The Forest Service had directed the Bown's to clean up various areas where trash had been left (camp areas) and around the quarry. As of this inspection, the quarry area was noticeably cleaner. However, the camp area between the lower and upper pits had not been cleaned up. It was also noted that a junk car had been pushed off the Forest Service land onto adjacent private lands and that a barrel (potentially hazardous waste) had been discarded along the access road.

It was also noted on the lower pit area near the road that goes to the upper pit that a considerable amount of used oil has been spilled on the ground (and surrounding vegetation) or that oil had been drained from a piece of equipment on this area. This may be in violation of the Clean Water Act as well as the Mined Land Reclamation Act.

While it appeared that the leaking rams on 'old leaky' have been repaired, evidence of an engine oil leak was noted. It was also noted that the rams on the d8 cat were also leaking.

It was felt that due to the nature of the new oil spills and leaks, the trash not being cleaned up as directed, and the discarding of the barrel along the access road that a noncompliance notice is warranted.

Several photos were taken to document site conditions.

cc: Gordon Struthers, USFS
S003016.95c